

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

CHARLES HICKS, #246241,	)	
	)	
Plaintiff,	)	
v.	)	CIVIL ACTION NO. 2:07cv148-MEF
	)	(WO)
ALA. DEP'T OF CORRECTIONS, <i>et al.</i> ,	)	
	)	
Defendants.	)	

**ORDER**

On February 22, 2007, the Magistrate Judge filed a Recommendation in this case to which no timely objections have been filed. Upon an independent review of the file in this case and upon consideration of the Recommendation of the Magistrate Judge, it is

ORDERED as follows:

1. That the Recommendation be and is hereby ADOPTED.
2. That the plaintiff's claims against the Alabama Department of Corrections and Staton Correctional Facility be and are hereby DISMISSED prior to service of process pursuant to the directives of 28 U.S.C. § 1915(e)(2)(B)(i).
3. That Alabama Department of Corrections and Staton Correctional Facility be and are hereby DISMISSED as defendants in this cause of action.
4. That this case, with respect to the plaintiff's remaining claims against Commissioner Richard Allen and Prison Health Services, Inc., be and are hereby REFERRED BACK to the Magistrate Judge for appropriate proceedings.

Done this the 13<sup>th</sup> day of March 2007.

/s/ Mark E. Fuller  
CHIEF UNITED STATES DISTRICT JUDGE